



TOWN OF EAST HAMPTON

159 Pantigo Road
East Hampton, New York 11937

Proposed Rental Registry Frequently Asked Questions As of October 7, 2015

1.) What is a rental registry?

The rental registry is specifically designed to identify which residential properties in the Town are being used as rental properties. Whether a property owner rents their residential property by the week, month, season, or year, they will be required to register their rental property with the Town. The information required to register a rental property and obtain a Rental Registry Number includes, but is not limited to: the property owner's name, address and phone number as well as the location of the registered property, the number of rooms, the number of bedrooms, the length of the rental term, and the number of tenants being rented to. A self inspection checklist, a copy of the latest Certificate of Occupancy and the payment of a filing fee will also be required in order obtain a Rental Registry Number.

2.) Why is the town proposing a rental registry?

According to 255-11-61 Single-Family Residence Regulations: "An important function of local land use regulation is the establishment and protection of single-family residential districts in which tranquil, healthy and safe neighborhood environments are maintained for the quiet enjoyment of resident homeowners and their families and in which the children of such families may be properly raised."

The re-drafting of the proposed rental registry law is driven by a groundswell of community concern for the character of their single-family neighborhoods and substantial input from the community in response to previous drafts. The rental market has changed considerably in the last few years as a result of the online marketplace. It is believed that the rental market – both short-term and long-term – is not only stressing the Town's infrastructure, but threatening to change the character of our residential neighborhoods.

It has been a long-standing tradition for members of our community to rent their homes to help make ends meet. The rental registry preserves and does not interfere with those legal rights. But instead it provides a mechanism to balance the needs of the property owner with the needs of the community to preserve the quality of life in our residential neighborhoods and protect the safety of tenants, the safety of our first responders, and our drinking water.

In order to provide the Town's public safety personnel with additional information to ensure compliance with legal usage of properties throughout the Town, and to protect the health, safety, and welfare of

rental property occupants as well as the community at large, the Town requires more and better information and regulation of rental properties. The adoption of a rental registry will provide information on the quantity and location of rental properties throughout the Town and provide valuable information to public safety personnel in ensuring compliance with the provisions of the Town Code.

3.) How do I register my property?

Property owners who rent their residential properties will be required to obtain a Rental Registry Number. Once the property owner has submitted the proper paperwork including a notarized Rental Property Registration Form, a notarized Rental Property Inspection Checklist, a copy of the latest Certificate of Occupancy and the filing fee, the Building Department will issue a Rental Registry Number.

Initially the Rental Property Registration Form, Rental Property Registration Update Form, Rental Property Registration Renewal Form, and the Rental Property Inspection Checklist will be available in the Town's Building Department and on the Town website to download. The Town's IT Department is working to have these forms available online so that they can be submitted from your computer, tablet or smart phone.

4.) What are the benefits of having a rental registry?

A rental registry will provide valuable data that can be cross-referenced and correlated to complaints and quality of life concerns. It will also serve as a tool to track the number of short-term rentals at a specific property to make sure the property owners are in compliance with the existing code as it relates to excessive turnover.

Another important provision of the proposed law requires that the Rental Registry Number be included in any advertisement listing the property for rent. This will provide an invaluable tool for Code Enforcement investigating illegal uses of certain properties that are offering shares, multiple short-term rentals on websites such as Airbnb, Craigslist, etc. and subletting year-round rentals.

Finally, it will provide the consumer the assurance that the rental property has been registered with the Town in accordance with the law.

5.) Why can't we just enforce the laws already on the books?

The information collected for the rental registry is designed to do just that. Often times Town enforcement personnel lack the information required to enforce the code and must conduct extensive investigations, sometimes over periods of weeks or months, to obtain enough evidence to support charges brought in Justice Court or to respond to complaints. This law will provide for an efficient use of the Town's limited resources and enable maximum enforcement and expedited investigations.

6.) Do other municipalities require some form of a rental registry program?

A rental registry is a tool used by many municipalities to ensure that rental housing meets basic health, safety and welfare standards. Seven out of ten towns in Suffolk County have some form of rental registry or permit.

7.) How does the draft rental registry law differ from the draft law proposed in 2014?

The current draft has been refined to simplify the requirements for the property owner while still providing the essential information and tools for public safety personnel to enforce the laws already on the books. The process is more streamlined, and less onerous and burdensome, than the legislative proposal from 2014. The terms used in the legislation mirror the definitions used in the Town's zoning code. And a number of provisions have been removed, including but not limited to: the requirement for refuse removal and the collection of rent provision.

8.) How does the required home inspection work?

The applicant is required to submit a notarized Rental Property Inspection Checklist. Items on the checklist include but are not limited to: house # is visible from the street; there are handrails on all stairways; the electrical panel is properly marked; smoke detectors are installed and working in every bedroom; the fireplace or wood-burning stove has a door. The Rental Property Inspection Checklist can be completed by the property owner or a licensed architect, licensed engineer or licensed home inspector.

9.) Will my registration expire?

Yes. The Rental Registry Number is valid for two years from the time of issuance.

10.) What is the cost of registration?

The proposed cost to register a property is \$250 for a two year term. The proposed cost to update the registration is \$25. The fees will be set by a separate Town Board resolution.

11.) What if you don't have the tenant information at the time you register or the tenants move out during the two-year registration term?

You can register your property and get a Rental Registry Number without tenant information. Once a tenant is selected, a Rental Property Registration Update Form can be filed to complete the information required on the Rental Property Registration Form.

Should any information required on the Rental Property Registration Form change during the two-year rental registry period, including, but not limited to: a change in the rental term; the start of a new rental term; the number of tenants; the number of bedrooms, then the property owner will need to submit a notarized Rental Property Registration Update Form along with a \$25 change fee.

12.) Do you need to register your home if you are the owner and you rent it to immediate family?

No. If immediate family members (the owner's spouse, children, parents, siblings, grandparents or grandchildren) are living in your home you do not need to register your property.

13.) Do you need to register your home if you are the owner and you live in the home and rent out one or two rooms?

No. If the home is owner occupied you do not need to register your property.

14.) What is the penalty if you don't register your property?

If you do not register your property and obtain a Rental Registry Number you will be in violation of the law. Should you be convicted of a first offense, the violation carries a fine that ranges from \$3,000 to \$15,000 or imprisonment for a period not to exceed six months, or both. It should be noted that a violation can be issued for every day that you fail to register.

15.) Is there a violation if you don't publish the Rental Registry Number in advertisements?

Yes. Failure to publish the Rental Registry Number in advertisements is a violation of the law. Should you be convicted, the violation carries a fine that ranges from \$150 to \$1,500 or imprisonment for a period not to exceed 15 days, or both. This is not a criminal offense.

16.) Is the tenant in violation of the law if the property owner doesn't register the rental property?

Yes. If a tenant is living in a rental property that is not registered, the tenant can be found in violation of the law. Should they be convicted of a first offense, the violation carries a fine that ranges from \$3,000 to \$15,000 or imprisonment for a period not to exceed six months, or both.

17.) Why are violations of this law considered a misdemeanor?

The penalties in the proposed law are consistent with the Town's zoning and building codes which for jurisdictional and legal reasons are unclassified misdemeanors.

18.) Does the proposed rental registry change/amend any of the current laws governing residential property rentals?

No. This proposal does not in any way change the rules as to the length or frequency of legal tenancies of rental properties. According to the current code, a property owner can rent their residential property up to twice in six months if the rental period is for less than two weeks. If the rental period is for two-weeks or longer, a property owner will still have no limit on the number of times they can rent their residential property for such a term.

In addition, the current code of no more than four unrelated persons in a residential rental property will still be in effect. Finally, the code that relates to no more than four cars being parked at a rental property that is not owner occupied remains in effect.